



Attorney Docket No. 944-003.103-2

IN THE U.S. PATENT AND TRADEMARK OFFICE

Re application of :
Yan Wang et al. : Examiner: Cho, Hong Sol
Filed: Herewith : Group Art: 2619
Serial No. 10/781,327
Filed: February 17, 2004 :
For: ADAPTIVE SPREADING FACTOR BASED ON POWER CONTROL

DECLARATION OF TRUTHFULNESS

I, Mariellen Chapdelaine, assistant to Anatoly Frenkel, Registration # 54,106, employed at WARE, FRESSOLA, VAN DER SLUYS, & ADOLPHSON LLP, 755 Main Street, PO Box 224, Monroe CT 06468 to the best of my ability do declare the following statements to be a true and accurate description of certain events relating to the above case at the USPTO:

I phoned Mr. A. Grassty, USPTO at 571-272-8255 on Dec. 4, 2008 in response to a note my supervisor had given me regarding the case. The note had Mr. Grassty's name and phone number on it. When I spoke with Mr. A. Grassty, I described the problem with the incorrect serial number, that is, that both the original and resubmission of the response we filed to an office action dated April 8, 2008 had an incorrect serial number. I provided him with the correct serial number, that is serial No. 10/781,327. I noted to him as well that our response appeared in PAIR

with the wrong case (though the serial numbers matched).

Mr. Grassty clearly understood the problem and responded unequivocally that he would contact the examiner, presumably in a timely manner, to explain what happened so the problem could be corrected. Mr. Grassty also said that we could expect either a phone call or mail from the USPTO in response to our conversation. I specifically asked him if there was any issue regarding abandonment of the case and Mr. Grassty assured me that there would be no such problem. I had no reason to doubt any of what Mr. Grassty said as he appeared reasonable and knowledgeable.

To the best of my ability, I attest to the accuracy of the above statement.

Signed this 2 day of February, 2009.

Mariellen Chapdelaine

Mariellen Chapdelaine

STATE OF CONNECTICUT)
) ss: Monroe, Connecticut
COUNTY OF FAIRFIELD)

Subscribed and sworn to before me this 2nd Day of February, 2009.

Dorothy Tomasco
Dorothy Tomasco

My Commission Expires August 31, 2013